

## **REMARKS**

Claims 1-20 were previously pending and under consideration. Claims 19 and 20 are cancelled herein. Claim 21 is added herein. Therefore, claims 1-18 and 21 are now pending and under consideration. Claims 1-20 are rejected. Claims 1, 9, 10 and 18 are amended herein. No new matter is being presented, and approval and entry are respectfully requested.

## **ENTRY OF AMENDMENT UNDER 37 CFR §1.116**

Applicant requests entry of this Rule 116 Response because the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed.

## **REJECTIONS UNDER 35 USC § 103**

In the Office Action, at pages 2-5, claims 1-3, 5, 7-10, 11-12, 14 and 16-20 were rejected under 35 U.S.C. § 103 as being unpatentable over Himmelstein in view of Fraser. In the Office Action, at pages 5-6, claims 4, 6, 13 and 15 were rejected under 35 U.S.C. § 103 as being unpatentable over Himmelstein in view of Nymeyer.

Using independent claim 1 as an example, this claim recites purchase of a second type of fungible goods from a third party. Independent claim 1 further recites the purchase is on condition of execution of an order for sale of the first type of fungible goods. An advantage of this arrangement is a burden imposed on an agent for facilitating purchasing or selling with respect to the first or second goods is reduced.

In contrast, Himmelstein discloses that the transaction occurs between the first and second parties. Specifically, paragraph [0044] of this reference describes the operations of multi-order barter selection 300 illustrated in FIG. 3 therein. The first, second, third and fourth barter orders 302, 308, 314 and 320 interact on a one to one basis. For example, order 308 has "PUMA" and order 314 wants "PUMA" and the two are matched via engine 118. The engine 118 may utilize intermediate barters. However, the orders 308 and 314 do not involve a third party.

Independent claims 9, 10 and 18 recite similar features.

Accordingly, withdrawal of the rejection is requested.

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims.

## NEW CLAIMS

New claim 21 has been added to clarify an aspect of the present invention in which "on condition of execution of an order for purchase of the first type of fungible goods, sale of a second type of fungible goods to a third party, the second type of fungible goods being different from and not fungible with respect to the first type of fungible goods."

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

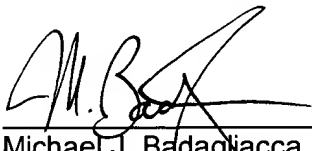
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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